

NATURAL RESOURCES CODE  
CHAPTER 119. OWNERSHIP OF CARBON DIOXIDE CAPTURED BY CLEAN COAL  
PROJECT

Sec. 119.001. DEFINITIONS. In this chapter:

(1) "Clean coal project" has the meaning assigned by Section 5.001, Water Code.

(2) "Commission" means the Railroad Commission of Texas.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 8, Sec. 1, eff. Sept. 1, 2006.

Sec. 119.002. ACQUISITION OF CARBON DIOXIDE. (a) The commission shall acquire title to carbon dioxide captured by a clean coal project.

(b) The right, title, and interest in carbon dioxide acquired under this section are the property of the commission, acting on behalf of the state, and shall be administered and controlled by the commission in the name of the state.

(c) A right, title, or interest acquired under this section does not vest in any fund created by the Texas Constitution.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 8, Sec. 1, eff. Sept. 1, 2006.

Sec. 119.003. TRANSFER COSTS. Carbon dioxide transferred to the state under Section 119.002 shall be transferred to the state without cost, other than administrative and legal costs incurred in making the transfer.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 8, Sec. 1, eff. Sept. 1, 2006.

Sec. 119.004. LIABILITY. The transfer of title to the state under Section 119.002 does not relieve an owner or operator of a clean coal project of liability for any act or omission regarding the generation of carbon dioxide performed before the carbon dioxide was captured.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 8, Sec. 1, eff. Sept. 1, 2006.

Sec. 119.005. SALE OF CARBON DIOXIDE FOR BENEFICIAL USE. (a) The commission may sell, for enhanced oil recovery or other beneficial use, carbon dioxide that is:

(1) captured by a clean coal project; and

(2) not injected for permanent storage in a geologic formation.

(b) The commission shall deposit any proceeds from the sale of carbon dioxide under this section to the credit of the general revenue fund.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 8, Sec. 1, eff. Sept. 1, 2006.

Sec. 119.006. INDEMNIFICATION. The University of Texas System and the permanent university fund may enter into a lease with the commission, or an owner or operator of a clean coal project, for the use of lands owned or controlled by the system or fund for permanent storage of carbon dioxide captured by a clean coal project, provided that such lease adequately indemnifies the system and fund against liability for personal injury or property damage incurred by the system or fund as a result of the escape or migration of the carbon dioxide after it is injected into a zone or reservoir. This section does not affect the application of Chapter 101, Civil Practice and Remedies Code, to any activity carried out by a governmental unit, as defined by that chapter.

Added by Acts 2006, 79th Leg., 3rd C.S., ch. 8, Sec. 1, eff. Sept. 1, 2006.